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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Initial and second periodic reports of States parties due in 2016

Nauru*

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Introduction

1. Nauru acceded to the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW") on 23 June 2011 without any reservations and declaration. In doing so, Nauru was the third last Pacific island country to become a party to CEDAW.

2. An Initial Report was due the year following accession. Owing to unique challenges faced by Nauru as the world's smallest island country, the Initial Report ("herein referred to as the Report") was delayed and not submitted on time and in accordance with the CEDAW timeframe on reporting. A number of workshops and consultations were held with the support of the Pacific Islands Forum Secretariat ("herein referred to as PIFS") and the SPC/Regional Rights Resource Team ("herein referred to as SPC") to ensure that key Government Ministries and Non-Government Organizations ("NGOs") were thoroughly consulted in the preparation of this Report. This Report on the implementation of the Convention is the result of the interaction between the various stakeholders mandated to promote, protect and implement women's rights nationally.

3. As stipulated under Article 18 of the Convention, this Initial Report is Nauru's first opportunity to present to the Committee on the Elimination of All Forms of Discrimination against Women ("CEDAW") the extent to which its laws, policies and programmes comply with the Convention on the Elimination of all Forms of Discrimination against Women. This Report describes legislative, judicial, administrative and other measures following accession to give effect to the Convention. This Report is divided into 2 main parts:

(a) Part 1: Provides General Information Relating to Nauru

a. Legal Institutional Frameworks;

b. Nauru National Sustainable Development Strategy 2005-2025;

c. Economy

d. Women's Development;

e. Nauru National Women's Policy; and

f. Nauru National Steering Committee on Domestic Violence.

(b) Part 2: Implementation of the Substantive Provisions of the Convention

g. Describes, in relation to the 16 substantive articles of the Convention;

h. Current situation;

i. Relevant legal initiatives and implications; and

j. Current and ongoing government Policy relevant to those articles.

4. In considering this Report, it is important that the Committee recognizes the peculiar vulnerabilities and the small size of Nauru as a small island developing state. There are many disadvantages that derive from small size, including a narrow range of resources, which forces undue specialization, excessive dependence on international trade hence vulnerability to global developments, costly public administration and infrastructure, including transportation and communication,

limited institutional capacities and domestic markets, and export volumes too small to achieve economies of scale.

5. Nauru is in a significant process of transition, adapting to the restructure of government, economy and society related to a historical dependence on phosphate mining and activities associated with the Refugee Processing Centres. The Country faces substantial challenges related to finance, banking, employment in the transitional economy, increasing non-communicable diseases, as well as challenges posed by Climate Change. These challenges impact on the lives of women, men and children however risks and vulnerabilities are greater for marginalized groups including women, children and those living with disabilities.

6. This Report grants an opportunity for the Government of Nauru to present to the international community a status update on the current status of women in Nauru. The Report also allows the Government of Nauru to facilitate a stock-take on the situation of women in Nauru and to highlight the positive steps taken towards lifting the status of women socially, politically and economically; and, to also address the challenges faced in implementing women's human rights nationally.

7. This Report covers current priorities promoted through the: (a) Nauru National Women's Action Plan; (b) Nauru Sustainable Development Strategies; (c) Nauru National Development Plan; (d) Nauru National Women's Policy; (e) Millennium Development Goals; (f) Beijing Platform for Action; (g) Pacific Platform of Action on the Advancement of Women and Gender Equality; (h) 2012 Pacific Leaders Gender Equality Declaration and the Nauru Young Women's Action Plan.

8. The Government of Nauru has ratified the: (a) Convention on the Rights of the Child (1994); (b) Rome Statute in December (2000); (c) Convention on the Elimination of All forms of Discrimination against Women (2011); (d) Convention on the Rights of Persons with Disabilities (2012); (e) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2012); (f) Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2013). Furthermore, the Government of Nauru has signed the: (a) International Convention on the Elimination of all forms of Racial Discrimination (2001); (b) International Covenant on Civil and Political Rights (2001); (c) Optional Protocol on the Civil and Political Rights (2001); (d) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000); (e) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000).

9. Additionally, the Government of Nauru through the Department of Justice and Border Control is currently in discussions with the relevant government departments on the facilitation of specific human rights training particularly on the: (a) Optional Protocol to CRC on the sale of children, child prostitution and child pornography, (b) International Covenant on Elimination of all forms of Racial Discrimination; (c) International Covenant on Economic Social and Cultural Rights; (d) United Nations Convention against Transnational Organized Crime; and (e) Convention relating to the Status of Refugees and its 1967 Protocol. Further, discussions are under way with other regional and international organizations on the facilitation of the development of a framework towards the effective implementation and mainstreaming of human rights in national polices and legislation.

10. In addition to the information used in this Nauru Initial CEDAW Report, information has been taken from various sources but not limited to: (a) court documents; (b) police records; (c) justice reports; (d) Family Health and Safety Study Survey; (e) Nauru Country Plan 2014-2016; (f) PACTAM; (g) Statistics Bureau; (h) Census Report, (i) National Consultations; and (j) MDG Report 1990-2011.

11. The Government of Nauru takes this opportunity to express to the United Nations Committee on the Elimination of all Forms of Discrimination against Women its willingness to engage in constructive dialogue with its members on the lived realities and situation of women in Nauru.

Part 1: Overview

I. General Information

12. Nauru is the world's smallest island country, situated just 53 km. south of the Equator. Nauru is one of the 3 great phosphate rock islands in the Pacific Ocean, the others being Banaba (Ocean Island) in Kiribati and Makatea in French Polynesia. Nauru is bordered to the south-west by the Solomon Islands and to the north-west by the Marshall Islands and the Federated States of Micronesia. The total land area is 21.1 sq. km. and an exclusive economic zone of 200 nautical miles.

13. The people of Nauru are challenged by a number of environmental issues, which has impacted on the health and wellbeing of communities living in Nauru. There is limited natural fresh water resources, roof storage tanks that collect rainwater but mostly dependent on, desalination plant, intensive phosphate mining during the past 90 years, mainly by United Kingdom, Australia and New Zealand consortium has left the central 90 per cent of Nauru a wasteland and threatens limited remaining resources.

14. An estimated population as of July 2014 is 9,488. The 2006 Census recorded a population of 9,265 with an annual growth rate of 2.1 per cent. Net migration is assumed at present to be zero, with all population growth being natural increase. There are 14 districts; Aiwo, Buada, Denigomodu, Nibok, Uaboe, Baitsi, Ewa, Anabar, Anetan, Ijuw Anibare, Meneng, Yaren and Boe. Nauru has a 100 per cent urban population. Life expectancy at birth is 49 years for Nauruan males and 56.9 years for Nauruan females.

Population Size and Growth Rate by District, Nauru: 2002 and 2011 1992

Yaren	672 632 747	-40 115	-6.0 18.2	-0.6 1.8
Boe	750 731 851	-19 120	-2.5 16.4	-0.2 1.7
Aiwo	874 1 051 1 220	177 169	20.3 16.1	1.8 1.6
Buada	661 673 739	12 66	1.8 9.8	0.2 1.0
Denigomodu	325 292 307	-33 15	-10.2 5.1	-1.0 0.6
Nibok	577 479 484	-98 5	-17.0 1.0	-1.8 0.1
Uaboe	447 386 318	-61 -68	-13.6 -17.6	-1.4 -2.1
Baitsi	450 443 513	-7 70	-1.6 15.8	-0.2 1.6
Anetan	427 498 587	71 89	16.6 17.9	1.5 1.8

Anabar	320 378 452	58 74	18.1 19.6	1.6 2.0
Ijuw	206 169 178	-37 9	-18.0 5.3	-1.9 0.6
Anibare	165 232 226	67 -6	40.6 -2.6	3.3 -0.3
Meneng	1 389 1 323 1 380	-66 57	-4.8 4.3	-0.5 0.5
Ewa	355 397 446	42 49	11.8 12.3	1.1 1.3
Location	2 301 2 381 1 497	80 -884	3.5 -37.1	0.3 -5.1
Total	**9 919 10 065 9 945**	**146 -120**	**1.5 1.2**	**0.1 -0.1**

15. **Location**: The Location Settlement is situated in between the two districts of Aiwo and Denigomodu once used by the British Phosphate Commission (BPC) under the mandate of the 3 governing countries, England, Australia and New Zealand as a housing compound for the indentured labourers working the phosphate mines. The labourers included the Chinese, I-Kiribati and Tuvaluan nationals. After the repatriation of these workers the land and the housings were given back to the landowners and now the location settlement houses the largest number of people in any one of the districts.

16. Each of the 14 districts has its own community committee, with elected representatives, which undertakes community projects and often represents their districts in various government and civil society consultations and similar fora. These community committees are not prescribed by law, nor are they legally regulated. Memberships of the community committee include women as key members.

17. Nauru's remoteness is dependent on imported fuel for all energy purposes, and rising fuel and transportation costs make energy security a critical national issue. High energy prices continue to strain limited resources. Food security is also a significant issue as most food product is imported. There is little arable land as phosphate mining has left 80 per cent of the land barren. Climate change may further reduce prospects for local food production, with increased droughts and water shortages and coastal inundation.

18. Nauru still faces significant economic challenges including lack of job opportunities, and is likely that hardships will increase. Without recent data it is difficult to gauge the trends in women's economic participation. Government is the largest employer, followed by the mining sector and smaller private sectors. In September 2012, Nauru opened a Refugee Processing Centre (RPC) for Australia that allowed opportunities for employment for Nauruans. Women are currently employed in the Refugee Processing Centre.

19. Nauru is a matrilineal country, however over the years with western influence patriarchal standards and values have been engrained and reinforced through practice, policy and law.[1] As traditional Nauruan society was matrilineal, women have an important voice in the family and the community. Although land is still inherited through the maternal side, most informants of a Situation Analysis Report supported by UNICEF are of the view that the voice of women are ignored, and status of women eroded and described Nauruan society as dominated by men.

[1] Government of Nauru report to the United Nations Universal Periodic Review year 2010.

Although large numbers of women are now engaged in wage employment, most women still consider their primary role to be wife and homemaker.[2]

20. The valued role of women in public life on Nauru is reflected in the large proportion of public sector agencies historically headed by women. Only two women have ever been elected to Parliament in Nauru. During the Constitutional reforms in 2006, it was suggested that some seats be reserved for women, however, this was met with resistance from many in the community, including women and was not pursued. In general, however, women face particular challenges to their equal representation, participation and experience of life in Nauru. Over the recent years, recognition has grown of the centrality of women's rights to the overall development of Nauru -- civil, political, economic, social and cultural. Furthermore, a general election was held in 2013 where more women stood for seats and the result of which has led to a woman candidate elected in Parliament and is currently holding a Ministerial position and various portfolios.

21. During the time of economic hardship, labour force participation rates dropped more sharply for women than men, dropping from 83 per cent for men in 2002 (Census) to 74 per cent in 2007 (DHS), and from 70 per cent for women in 2002 to 52 per cent in 2007. With the economic growth since large-scale phosphate mining resumed in 2007, these rates will have increased.

22. As with most countries around the world, domestic violence is significant and a serious issue in Nauru. In 2014 a study was undertaken by the Women's Affairs Department under the Ministry of Home Affairs with financial support from the Australian Department of Foreign Affairs and Trade (DFAT) and technical support provided by UNFPA to obtain information about the characteristics and consequences of violence perpetrated against women.

23. The Nauru Family Health and Safety Study 2014 initially selected 300 women to participate in the survey but unfortunately only 60 women agreed to follow through. However this provided a strong baseline for Nauru in the analysis of the resulting statistics. It was estimated that 48.1 per cent of women who ever had an intimate relationship experienced physical and or/sexual violence by a partner at least once in their lifetime, and 22.1 per cent in the 12 months prior to the interview. Of these, 50.8 per cent reported having ever been injured and 18 per cent were hurt enough to need health care. Nearly 29 per cent of women never disclosed the violence to anyone and those who did tell, mostly confided in family and friends.

24. About 68 per cent of women never went to formal services or authorities such as police or the health clinic for help. Estimates in regards to pacific women indicate that 2 in 3 women experience family violence higher than the global average of 1 in 3. As this was the first Study of its kind in Nauru and there were some issues in regards to data collection, it is likely that the estimates of domestic violence cited are under reported of what is occurring. The Study provides good baseline data and provides several recommendations for implementation to strengthen the existing domestic violence system.

25. The 2014 Pacific Regional MDG's Report notes the absence of data on maternal deaths; however, Nauru recorded 97 per cent skilled attendance and high

[2] Government of Nauru, UNICEF, Situation Analysis of Women and Children.

antenatal coverage. The Report also noted that Nauru has a low contraceptive prevalence rate, consistent with relatively high unmet need for family planning.

II. Legal and Institutional Frameworks

26. Nauru has a Minister for Justice, whose department is overseen by the Secretary for Justice and Border Control ("SJBC"). The SJBC is the Principal Legal Adviser to Government as well as being the administrative head of the department that encompasses Justice, Immigration, Quarantine, Correctional Services and the Curator of the Intestate Estates.

27. The SJBC also has a number of statutory powers and functions. At present, the Department of Justice and Border Control employs nine (9) lawyers, one Pleader and paralegal. The Secretary of Justice and Border Control is also a Nauruan lawyer. There are currently 2 female lawyers; one is Nauruan and the other an expatriate. Government also employs a Solicitor General who reports to the Secretary of Justice and Border Control, an independent Director of Public Prosecutions, Public Defender, Human Rights Lawyer and a Prosecutor. In addition to the above the Deputy Secretary for JBC is a Nauruan and female. The DJBC also employs a community paralegal based with the DPPS Office and another with the Public Defenders both of whom are Nauruans.

28. Nauru has a District Court, a Supreme Court and a Family Court. A Resident Magistrate, who is a female, sits on the District Court. There exists a Registrar of the Supreme Court. The Supreme Court has 3 judges — two male and one female. The Supreme Court has original and exclusive jurisdiction in constitutional matters. In all other matters, parties can seek leave to appeal from a decision of the Supreme Court of Nauru to the High Court of Australia and because of the prohibitive expense, this seldom happens. The Chief Justice of Nauru is also the Chair of the Public Service Appeals Board.

29. Nauru's Constitution establishes a system of parliamentary responsible government, with a unicameral Parliament of 19 members, elected from 8 multi member constituencies. The President is both head of Government and Head of State, and is elected by Parliament from among its members, he then appoints members of Parliament to be Ministers. The Constitution vests executive power in the Cabinet (President and Ministers). Judicial power is vested in the Supreme Court of Nauru.

III. Nauru National Sustainable Development Strategy 2005-2025

30. The National Sustainable Development Strategy 2005-2025 (NSDS) ("herein referred to as NSDS") launched in 2005 established for the first time, a national long term strategic development plan for Nauru. The NSDS identifies key national development goals and the accompanying strategies and activities required to achieve those goals. The NSDS is the Government of Nauru's core development agenda. The Nauru National Sustainable Development Strategy 2005-2025 focuses on economic and development issues and, has as one of its core principles a just society that recognizes and respects the rights of women, promotes equal

opportunities and commits to integrating gender across all sectors. The coordinating body for the NDSP is the Planning and Development Division of the Ministry of Finance. The NSDS 2005-2025 as revised in 2009 has adopted human rights norms and standards in its core objectives. The five long term goals of the National Development Sustainable Plan that includes human rights and governance are: a) stable, trustworthy, fiscally responsible government; b) provision of enhanced social infrastructure and utilities services; c) development of an economy based on multiple sources of revenue; d) rehabilitation of mined out lands for livelihood sustainability; e) development of domestic food production. The Republic of Nauru National Sustainable Development Strategy 2005-2025 also focuses on a just society that recognizes and respects the rights of women and promotes equal opportunities and commits to integrating gender across all sectors. At present data on gender responsive budgets and sectors need to be further strengthened and a need to strengthen current monitoring systems to better performance on gender mainstreaming across all government sectors. The current key performance indicators supports the existing national strategy on gender includes: (a) proportion of CEDAW related programmes established and mainstreamed in all Government of Nauru plans, policies, strategies and programmes; (b) proportion of women in Parliament; (c) proportion of women in leadership positions in Government, Government Boards and Private Sector; (d) proportion of women in paid employment; (e) per cent share of average household income contributed by women; (f) proportion of community projects/programmes managed and implemented by women's groups/NGOs/Civil Society.

IV. Economy

31. Nauru's economy faces significant constraints common to other island atoll States; these include its small size, remoteness, a harsh natural environment with infertile soils, limited exploitable resources and the need to create jobs for an expanding population. Nauru's population and environment are largely affected by its phosphate deposits. Over 90 years of mining caused at least three-quarters of the island to be deemed uninhabitable and unsuitable for any kind of livelihood.

32. There is a disparity in terms of leave entitlements for the public service and State-owned enterprises workers in Nauru. This can be an issue as it can contribute to low staff morale and further affects the livelihood of workers and their families. Some workers, especially the ones working at the Nauru Rehabilitation Corporation (NRC) receive paternity leave and this is not awarded to others. There is no law that comprehensively covers the types of leaves workers are entitled to.

V. Women's Development

33. The Government of Nauru established a Women's Office in 1997 prompted by the Beijing Conference in 1994 and employed two officers, an Officer in Charge (OIC) and a Secretary to oversee the work. Assistance was sought from the Pacific Women's Resource Bureau (PWRB) in New Caledonia in August 1998 to assist the officers in setting up office and to formulate a National Action Plan for the office.

34. Consultations with government officials, women, district representatives, and church leaders took place and in October 1998 a Work Plan was developed with

agreed national commitments built around the Beijing priorities and focuses the efforts of the Women's Office on issues such as: (a) women's health, (b) violence against women, (c) education and training for women, (d) women in decision making, (e) rights of women, and; (f) women's participation in the economy with the overall mandate "to Advance and Improve the Lives of Women in Nauru".

35. Since the establishment of the Women's Office in 1997, there has seen some significant changes, the up scaling of the Women's Office to Women's Affairs Department ("WAD"), under the Ministry of Home Affairs, increased member staff, a separate budget to carry out work on projects, national workshops, and programmes identified as needs of women around the districts and attendances at regional and international training workshops and consultations.

36. A Safe House was established in 2008 and, in 2013 was relocated to a larger five air-conditioned bedroom premises. The Safe House as named "Eoag 'N Ratequo" meaning a "Home for Visitors" provides refuge to survivors of domestic violence and counselling services. The Eoag 'N Ratequo is generally for short term stays, with the premises not secure enough or equipped for longer term stays. Food in the past is limited to food that can be easily stored such as dried foods, biscuits, rice and canned foods but not fully stocked as there is now available cash (on hand) to buy the much needed foods when needs arise. Since established, on average there is approximately one woman a month that either seek refuge or counselling at Eoag 'N Ratequo (Safe- House). There is no indicative indication on the length of stay by a woman seeking refuge. Additionally, the longest stay was in 2008 where a non-Nauruan woman married to a Nauruan man stayed for over 3 months (with her 7 children), as she had no family to go to. Government offered temporary shelters while the Domestic Violence Unit (Police) and the Women's Affairs Department continued with its official investigations. The Eoag 'N Ratequo ("Safe House") is also used to accommodate resettled victims of domestic violence. The Women's Affairs Department employs a Counsellor Coordinator and an Assistant Counsellor to offer in house counselling service and support and has on many occasions, cared for survivors who seek shelter at the Safe House.

37. In mid-2013 a men's worker was employed by the Women's Affairs Department under the Ministry of Home Affairs to run the Self Help Ending Domestics Programme ("SHED") which facilitated an 11 weeks training programme for perpetrators of violence under the Nauru National Women's Plan of Action("NNWPA"). The position also provides counselling to men and boys in regards to the elimination of violence against women. More resources are required in this area in order to both support the existing staff member and to proactively and appropriately work with men and boys to reduce violence. Investment in working with men and boys will have long term benefits and is likely to have a strong impact on reducing domestic and family violence.

VI. Nauru Women's Policy, Nauru Women's Plan of Action and Nauru Gender Plan

38. The Nauru National Women's Policy assists in realizing the gender performance indicators in the National Sustainable Development Strategies (NSDS) 2005-2025. In calling for a multisectoral implementation response, the Policy provides direction for Government, Civil Society and community representatives

regarding Nauru's gender priorities. The Policy goals are: (a) heightened participation of Women in Decision Making and Leadership in Government, state owned enterprises and at community level; (b) elimination of all forms of violence against women; (c) improved economic status of women including workplace equality with men; (d) improved women's health (including reproductive health and rights) services; (e) improved and equitable access to health services by women; (f) improved and equitable participation in all levels of education by girls and women; and (g) a strengthened Women's Affairs Department (WAD) and improved capacity Government agencies to mainstream gender equality programmes.

39. Further to the above, there exists a Nauru Women's Plan of Action which is aimed at improving the quality of women's lives in Nauru. The National Plan of Action have identified 16 thematic issues that aims to improve the lives of women in Nauru, they are: (a) women and health; (b) education and training for women; (c) violence against women; (d) religion; (e) human rights of women; (f) women in decision making; (g) women and culture; (h) women and the media; (i) community/family; (j)child (girl); (k) good governance; (l) women and the economy; (m) women in agriculture and fisheries; (n) women and the environment; (o) youth and (p) women in sports. It is envisaged that the realisation of key thematic issues will improve the quality of life of women in Nauru. The National Plan of Action is monitored by the Women's Affairs Department.

40. The Nauru Gender Country Plan is in place with the deployment of a full-time psychosocial counsellor at the Republic of Nauru Hospital (RONH) for men, women, boys and girls affected by domestic violence, alcohol and teen pregnancy. Following this a referral system between Republic of Nauru Hospital through doctors and treatment staff, schools through liaison officers, NPF via the Domestic Violence unit and Eoag'n Ratequo (safe house) is in the end stages of establishment. The three activities in the first country plan will: (i) improve the health sector response and services to reduce domestic violence; (ii) increase access to justice and improved legislation and policy environment for reducing domestic violence; and (iii) increase leadership and decision making opportunities for women.

Part II — Implementation of the substantive articles

Articles 1-3: Discrimination Policy Measures, Guarantees of Basic Human Rights and Fundamental Freedoms

***Article 1**: "For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field"*

***Article 2**: "States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet

incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women"

***Article 3**: "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men.*

Situation: Protection of Fundamental Rights and Freedom (Articles 3-15)

41. Whereas every person in Nauru is entitled to the fundamental rights and freedoms of the individual race, place of origin political opinions, colour, creed or sex, civil and political rights but there is no reference to economic and social rights, substantive equality and disability. There is no recognition of the working mother in the workplace, for example, although maternity leave is not a right under law but rather at the discretion of the Chief Secretary, all women in the Public Service and SOEs are being accorded the 3 months leave entitlement (maternity) on application with pay if the woman has completed one year of service. Three days special leave is also awarded when one has completed the one year service.

42. There are no laws which protect women in the workplace aside from the application of the Criminal Law and the Public Service Act (PSA) 1998 for the Public Service. If a woman finds herself harassed in the workplace, she would have to rely on criminal laws such as assault or threatening violence which may not necessarily reflect the gravity of the offence committed.

43. There is no specific Domestic Violence Law; however, there is a proposal in the review of the Nauruan Criminal Code for separate domestic violence legislation. Domestic violence is not specifically provided for in the Criminal Code 1899. It is dealt with as an act of ordinary assault. In situations of sexual and domestic violence, regardless of marital status, a restraining order is available through an apprehended violence order (section 34A of the Criminal Procedure Act 1972).

Reform of criminal procedure legislation is currently on going and will include a comprehensive provision for protection orders and mandatory prosecution for domestic violence offences.

44. The objective of the Criminal Code is to modernize Nauru's criminal laws so that it can meet the interests and needs of the developing society and the various facets of the criminal justice system. Most of the sexual offences in the Nauru Criminal Code are located in Chapter XXII (Offences against Morality). While these offences cover a broad range of sex offences, they do not include many modern offences, particularly in relation to child sexual exploiting and assault of a person. Consequently, this indicates more options for criminal culpability of violence instigated by men against women. The new Criminal Code will also move all sexual offences to one Division, which makes it more user friendly for the Nauru Police Force ("NPF") and the Office of the Director of Public Prosecutions ("ODPP") when proffering the appropriate charge for offences containing violence against women. Other new developments that will be seen in the Criminal Code are the offence of stalking, which is designed to capture behaviours that stops short of assault, but which could raise fear or apprehension in the victim. It can also be used to prosecute a person prior to the commission of a more serious offence. Consent in sexual offenses by women is a common issue, which traverses all offences containing violence against women and so the Criminal Code proposes to address this fundamental issue by providing a non-exhaustive list of circumstances in which consent is not taken to be given freely and voluntarily, for example, if force is used.

45. The new Criminal Code endeavours to provide more clarity in the offences with its elements and offers a more modernized view of addressing the varying components of violence against women. It is envisaged that the current and urgent review of the Criminal Code 1899 provides the most suitable opportunity to incorporate a strong domestic violence offence, which currently is non-existent. Domestic violence provisions would form part of the Criminal Code dealing with offences against the person.

46. In addition to the above, it is envisaged that the Criminal Code review would also include: (a) provisions for mandatory prosecution for domestic violence offences; (b) review of current sanctions; (c) provisions for the range of sexual assault offences graded on the basis of seriousness to the victim (e.g. sexual assault (including aggravation) and indecent assault); (d) changes to the definition of rape and other sexual assault offences to include penetration of non-penile subjects to anus, vagina, and mouth; (e) aligning the age of a child with CRC and CEDAW to be a person under 18; (f) prohibition on the requirement for corroboration; (g) express prohibition of prior sexual conduct to establish consent; (h) express prohibition on a requirement for proof of resistance; (i) removal of an exemption from prosecution for marital rape; (j) strengthening of the offence of incest for women in section 223 of the Criminal Code 1899 to include a girl under 18 as well as overcome criminalisation that may dissuade all parties to an incestuous sexual encounter from reporting the offence; and (k) ensuring domestication of relevant international standards, including those relating to gender based violence.

47. Consideration will also need to be given to making express legislative provision for minimum sentences for sexual offences. Currently, under section 19 of the Criminal Code 1899, sentences are maximum penalties, not mandatory penalties, and no minimum penalties are prescribed for any sexual offence. It is envisaged that

any amendments made to take into account new and emerging issues relating to sentencing legislation. An overhaul of other discriminatory legislation are also currently under review to bring them up to date with international obligations.

48. Violence against women is high, of the 167 cases registered in 2014, 58 cases involve complainants who are women and children. This represents 35 per cent of criminal cases registered in 2014. The offences range from: (a) common assault, (b) indecent assaults, (c) persons who are found in a dwelling house, (d) bodily harm, (e) apprehended violence matters, (f) use of obscene language, (g) offensive behaviour, (h) acts intended to cause grievous bodily harm, (i) grievous bodily harm, (k) aggravated assaults, (k) indecent treatment of girls, (l) attempted rape, (m) rape, (n) abduction, and (o) improper use of telecommunication services.

49. Additionally, of the 58 reported cases: (a) 4 matters were withdrawn under 153 (2) (b) (1) of the Criminal Procedure Act 1972; (b) 6 matters were withdrawn under 153 (2) (b) (ii) of the Criminal Procedure Act 1972; (c) 6 matters have been terminated under Section 122 of the Criminal Procedure Act 1972; (d) 3 matters nolle prosequi under section 46 of the Criminal Procedure Act was entered; (e) 1 matter the defendant had been convicted and sentenced to 9 months imprisonment; (f) 5 matters are still waiting for the Director of Public Prosecutions to decide whether they will proceed with the matter or not; (g) 26 matters are still pending before the court and pleas are yet to be taken. Summonses are yet to be served on the defendants to appear before the court; (h) 4 matters the bench warrants are yet to be executed; and (i) 3 matters are waiting for trial dates to be set in 2015.

Table 1
Violence against Women and Children

	Violence against Women and Children
Withdrawn s.153(2)(b)(i) CPA	4
Withdrawn s.153(2)(b)(ii) CPA	6
Terminated s.122 CPA	6
Nolle Prosequi s.46 CPA	3
Convicted and Sentenced c for 9 mths imprisonment	1
DPP to decide whether to proceed or not	5
Pending/Summons to serve and plea yet to be taken	26
Bench Warrant yet to be executed	4
To set Trial date in 2015	3

Source: Nauru Magistrate Court.

50. A Domestic Violence Committee ("DVC") was established in 2009 with support from the PPDVP.[3] Representation included the Department of Health, Police, Education, the Eoag 'N Ratequo (Safe House), SPC/Regional Resource Rights Team (Focal Officer), Churches, Judiciary, Justice and a representative from the White Ribbon Champions. The purpose of the DVC was to lead and coordinate

[3] Pacific Prevention of Domestic Violence Programme.

activities across police, government departments and community groups. With the accession to CEDAW in 2011, a decision was made that the ground work of the Domestic Violence Committee be elevated and addressed as a national priority involving all decision makers, thus ensuring a commitment at the highest political level.

51. Additionally, on December 5 2011, the Nauru National Steering Committee on Domestic Violence ("NNSCDV") was established by the concerned implementing agencies of Government. The membership of the Nauru National Steering Committee on Domestic Violence comprises of: (a) Cabinet Minister (appointment by President); (b) Parliament member (Gender Champion); (c) Secretary of Home Affairs or (appointed representative); (d) Secretary for Justice and Border Control or (appointed representative); (e) Secretary for Education or (appointed representative); (f) Secretary for Health or (appointed representative); (g) Commissioner of Police (COP); (h) Director of Statistics; (i) Representatives from the Non-Government Organization (NGOs); (j) Community Based Organization (CBO); (k) Nauru Young Women's National Council (NYWNC), and (l) Commercial Industry and Environment (CIE). The key objective of the Nauru National Steering Committee on Domestic Violence (NNSCDV) are: (a) to take collective and proactive national action to coordinate and oversee efforts in response to domestic violence including violence against women in all its forms; (b) to ensure that specific violence against women legislation is enacted.

52. The roles and responsibilities in relation to the overall co-ordination of national actions to address Domestic Violence includes and is not limited to: (a) ensuring that actions done to address Domestic Violence reflect the requirements and needs of vulnerable groups, the elderly persons, persons with children, persons with any form of disability and pregnant mothers; (b) ensuring national ownership and sustainability of national programmes addressing Domestic Violence through a cohesive work plan between responsible Departments/SOEs and Civil Society and NGOs by way of devising a plan to implement and monitor efforts on domestic violence issues in Nauru; (c) integrating domestic violence in national development dialogue, advocacy efforts and development strategies as stated in the National Sustainable Development Strategy (NSDS) 2005-2025 (through CEDAW process); (d) organizing national advocacy events and other human rights awareness campaigns, such as the White Ribbon Day Programme and the 16 days of Activism on Domestic Violence which is held on 25h November every year.

53. Additionally, central to the overall coordination of national efforts to address domestic violence is the sharing of information and resources on domestic violence and planning of resource mobilization through linkages with all affiliated women's groups, justice through the appropriate focal point for awareness and advocacy for the general population on the Commitment of Government that: (a) any form of violence against man, woman or child is unacceptable; (b) the family unit is a fundamental part of Nauruan Society; (c) any form of violence against family members is unacceptable; (d) that women's rights are human rights.

54. The White Ribbon Campaign was launched on 25 November 2009 with 11 advocates championing the campaign on eliminating violence against women. The campaign programme was supported by the New Zealand Police through the facilitation of educational sessions on gender equality and domestic violence to inmates, schools, work places and in communities around the 14 districts. Ongoing

support from the New Zealand Police have been through sponsorships of competitions in the various schools, T-shirts, caps, banners, wrist bands and bags. In addition, the New Zealand Police continues to provide support and to assist the Governments White Ribbon Champions.

55. In 2014, Nauru held its United Nations 16 days of Activism against gender violence with activities which includes and is not limited to: (a) the best decorated work place, home and community area; (b) a mock parliament debating on gender issues by the senior school students; and (c) a parade and skits against domestic violence. The 16 days of Activism is scheduled from November 25 the International Day of Elimination of Violence against Women (EVAW) to December 10 the International Human Rights Day and therefore ran back to back with the White Ribbon Day activities, leading to almost a month of campaigning and activities.

56. From the various national consultations with relevant stakeholders namely the Ministry of Home Affairs, Department of Health, Department of Education and the Department of Justice, it is evident that alongside violence against women, violence against children is also a significant and concerning issue in Nauru. The Government of Nauru through the Ministry of Home Affairs and particularly the Women's Affairs Division, and the Division of Child Protection Services have facilitated specific human rights training for community leaders and members of the community on human rights. The Department of Women have also provided assistance and training on women's rights. The Women's Affairs Department have also undertaken the facilitation of a National Consultation on Violence against Women together with the Secretariat of the Pacific Community. The aim of the national consultation was to discuss and ascertain the need for a stand-alone rights based approach domestic violence legislation.

57. There is no research to indicate the extent of the issue, or community attitudes about child protection; however in May 2015 a study was undertaken to: (a) review the current situation in legislation/policy, services and community attitudes and knowledge about child protection; develop recommendations to help shape government plans, in particular in regards to a policy response; and further promote capacity building, networking and interagency collaboration.

58. In 2014 the Minister of Home Affairs, Hon Charmaine Scotty,[4] established the Division of Family and Community Services within the Ministry of Home Affairs. The newly established Division is currently staffed by a Director who is a Nauruan woman, a Family Welfare Officer and a Community Development Officer and formerly a Child Protection Officer. The Child Protection Services Division was later substantiated and is resourced by a Child Protection Director, Senior Child Protection Officer, Administration Officer and a qualified Child Counsellor.

59. In July 2015, the Ministry of Home Affairs invited SPC to conduct a five day workshop on Eliminating Violence against Women (EVAW), Human Rights and on the Convention on the Rights of the Child. Invitations were extended to faith based organizations such as Leaders of the Assembly of God, School Principals, President of the Legion of Mary Catholic Women's Fellowship, Secretary for the Nauru Congregational Women's Fellowship Council, President for Nauru Youth Fellowship Council, Nauru Disabled Person's Association, Coordinator for

[4] The second women in parliament and a current member of parliament.

NIANGO, Community leaders along with government departments that deal with issues relating to women and children.

60. The Nauru Police Department established a Domestic Violence Unit in 2007 to deal with all cases involving violence against women and children. The Unit also conducts community education programmes on issues relating to gender- based violence in communities and this is facilitated in collaboration with community leaders including women. There are currently three police officers in the DV Unit to deal specifically with cases of Domestic Violence, with training largely coming from the Pacific Prevention of Domestic Violence Programme (PPDVP), an initiative of the Pacific Island Chief of Police, New Zealand Police and New Zealand Aid. There are in all 89 police officers and the Commissioner of Police (COP) is a Nauruan.

61. Nauru has yet to develop a comprehensive policy on violence against women and expedite its legislative process for a comprehensive violence against women legal reform. Advocacy and awareness on ending violence against women remains the priority of the Women's Affairs Department (WAD) and the Nauru Police Force (NPF). Additionally, the Ministry of Home Affairs through the Department of Women have in place a Nauru National Women's Policy (2014-2024); Nauru Women's Action Plan-2005-2015 and the Nauru Young Women's Action Plan-2009-2015. This policy documents outline and guide development work related to women's issues, particularly that of eliminating violence against women. The Department of Women also relies on monthly and annual reports to monitor and measure progress made in the area of women's rights.

62. Culture, tradition and religion also play a role in Gender discrimination e.g. marriage counselling and Empowerment of Women campaign is now promoting equality and partnerships in the marriage (sharing of workload etc.). For women and the girl child with disabilities, a lot needs to be improved in terms of access to information and laws, education, and awareness on their rights and how to deal with discrimination. The Government of Nauru is in the process of finalizing the Nauru National Policy on Disability. The NNPD[5] aims at addressing concerns and issues faced by people living with disability in Nauru, particularly in the areas of: (a) awareness raising and advocacy; (b) communication and technology; (d) education; (e) Employment and training; (f) Health; (g) Assistive devices and equipment; protection; (h) protection and recognition of rights and legislation; (i) accessibility; (j) statistics, coordination and monitoring; (k) women, elderly, youth and children; (l) violence and abuse; (m) community care and support; and (n) sports and recreation.

63. The Nauru National Policy on Disability 2015 ("herein referred to as NNPD") sets out a comprehensive framework to address the needs and rights of persons with disabilities in particular to improve the quality of their lives and their full and equal participation as empowered citizens. The NNDP reflects Nauru's vision of a disability-inclusive and barrier-free society where persons with disabilities are able to enjoy all human rights on an equal basis with others, and to live a life of dignity. The vision also reflects key principles and core values articulated under the Convention on the Rights of Persons with Disability ("CRPD") to which Nauru acceded in June 2012, in particular the principles of non-discrimination, respect for

[5] Nauru National Policy on Disability.

inherent dignity, and full and effective participation and inclusion. It identifies priority strategic areas for building greater inclusion and dismantling the barriers that hinder the full participation of persons with disabilities in the political, cultural, social and economic life of Nauru. Significant to note, the CRPD provides an overall guiding framework for the Nauru National Policy on Disability, and is referenced in each priority area along with two key regional frameworks — the Incheon Strategy to Make the Right Real for Persons with Disabilities in the Asia Pacific Region 2013-2022 and the Pacific Regional Strategy on Disability (PRSD): 2011-2015. Nauru is a party to both key regional frameworks.

64. The Nauru Sustainable Development Strategy (NSDS) makes recognition of women's rights and the promotion of equal opportunities a development goal; one of the strategies of reaching this goal is recognizing and promoting women as equal partners in governance and all aspects of community development. Since 2004, Nauru has marked and celebrated International Women's Day (IWD) with a public holiday.

65. A mandatory reporting framework which encompasses the protection of the duty of reporting for service providers was submitted and approved by cabinet in early 2015. This will coincide appropriately with the Domestic Violence Bill which is being drafted by the human rights section of the Secretariat of the Pacific and the Department of Justice and Border Control. The Bill proposes to criminalize the breach of duty of perpetrators to service providers who assist victims with an application of a protection order.

66. A Victim Support Service has now been established with a crisis roster that is inclusive of staff from the Department of Health and Medical Services (DHMS), Safe House, Gender Based Violence Counsellor/ Specialist and the Mental Health Unit of the Republic of Nauru Hospital. A staff on roster is provided with a crisis phone for easy contact. Progression of the Sexual Assault Response Team will involve the police, Victim Support and Medical Services.

67. Interpreters will be significantly required for cases concerning non-English speaking victims or perpetrators therefore debriefing of interpreters in relation to abuse cases is part of the Australian Border Force Interpreter Liaison Protocol.

68. Rape Kits are now available at the Republic of Nauru Hospital that also incorporates a medical protocol and medical examination template which was formerly provided by the Nauru Police Force. Additionally, an incident management group that is comprised of the police, prosecutions, Victim Support Services and the Health and Medical Services has agreed to meet weekly to discuss management of new cases of Domestic Violence and assault. This will ensure quality and professional efforts are consistently improved for proficiency in addressing cases of abuse towards women and girls.

69. DFAT funding has been approved to up-skill staff in the social welfare areas through Diploma level and Bachelor level courses which will take place on-island to minimize lost opportunities in sending staff overseas for training therefore preventing further depletion of a workforce that is already limited in human resources. The Department of Home Affairs have a selection of in-service tertiary choices from the University of New England, the University of the South Pacific or APTC to train three staff members from the women's department and three officers from the Child Protection Division.

Legal Context

70. While Article 3 of the Constitution of Nauru provides entitlement to fundamental rights and freedoms to every person 'whatever the sex'. The list of fields is limited to the rights protected in Articles 4, 5, and 8-13 as well as privacy of family life.

71. However, there is no Constitutional guarantee of substantive equality between men and women. The Constitution does not contain anti-discrimination clause on the grounds of marital status, sexual orientation. Nauru's laws are already in compliant with many of the requirements of the international human rights treaties even prior to Nauru's signature of these treaties, due largely to the civil and economic rights in the Constitution and the fact that no law can be inconsistent with the Constitution.

72. The Constitution does not discriminate against women, the protection against discrimination that is ostensibly offered by Article 3 is ineffective and a mandatory provision would be required for full compliance with CEDAW. This could, be achieved not necessarily through constitutional amendment but through anti-discrimination legislation, which would incorporate anti-discrimination provisions that encompass direct and indirect discrimination, bind public authorities, institutions, a person, organization or enterprise, and impose sanctions for breach of anti-discrimination provisions.

73. Practical remedies to ensuring that Nauru Constitution abides with CEDAW convention include a national referendum. Notably, based on the experience of the last national referendum, issues should not be passed on a' take it or leave it' basis but rather an article by article referendum.

74. The Australian Attorney General's Department (Pacific Section) is working with Justice and the Nauru Police Force to draft a new Code for Nauru, in three separate parts. The first part, concerning offences against the person, is the part of most relevance in terms of compliance with CEDAW. All of the existing gender distinctions and discriminatory provisions will be removed in the new Code. The passage of this important law reform through Parliament will be a significant step in terms of bringing Nauru into compliance with the obligations of CEDAW.

75. Domestic violence is currently not specifically provided for in the Criminal Code 1899. It is rather dealt with as ordinary assault. In situations of sexual and domestic violence, regardless of marital status, a restraining order is available through an apprehended violence order (section 34A of the Criminal Procedure Act 1972). Reform of Criminal procedure legislation would require more comprehensive provision for protection orders and mandatory prosecution for domestic violence offences.

76. The Supreme Court of Nauru in 2015 formally removed the corroboration rule. The Supreme Court in the case stated in relation to Criminal Case No. CF 7/2015 The Republic v Saeed Mayahi the question posed by the learned Resident Magistrate, through the submission of the *amicus curiae*, is whether the practice of the Courts requiring a corroboration warning for the evidence of women or girl victims relating to sexual offences, is contrary to Articles 2 and 3 of the Constitution. The amicus submitted that the ratification by the Republic of Nauru of the Convention on the Elimination of all forms of Discrimination against Woman (CEDAW) and being a signatory to the International Covenant on Civil and Political

Rights (ICCPR) committed to compliance with treaty obligations, negates the rule of practice in requiring corroboration for female complainants in sexual offence cases.

77. The court held that "....the rule of practice requiring the giving of a corroboration warning relates to cases in this jurisdiction in which only a woman or girl can be the complainant. Thus to require a corroboration warning to be given in relation to these complainants only, is to discriminate against them on the basis of their sex. This offends against the tenet of section 3 of the Constitution of Nauru. Accordingly the Court ruled that there will be no rule of practice or requirement that a corroboration warning is to be given in all cases involving complainants in sexual offence matters before the Courts in Nauru.

Article 4: Acceleration of equality between men and women

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Situation: Acceleration of equality between men and women

78. There is low representation of women in Parliament, there has only been two women elected since Independence (1968). Women are under- represented in key decision making bodies due to strong cultural and social attitudes and perceptions that leadership is the domain of men. There is currently no discussion on temporary Special Measures "reserve seats" for women in Parliament, in the past, some consultations were held with women in the communities as well with members of parliament which received high levels of resistance. It is envisaged that future discussions and consultations will need to convene to allow for more understanding amongst the Nauruan community with regards to issues on temporary special measures.

79. In Nauru, elections are held every 3 years, however, women's participation in high public office has been minimal. There is no direct barrier to women's participation and there is no legal impediment to prevent equal treatment of men and women. There has been an increase in women candidates participating in general elections with the most of nine (9) female candidates at one time.

80. Government has organized some programmes that will provide women with skills to give them the confidence to understand the political processes needed to stand for election. UNDP will conduct the Pacific Women in Politics Programme through mock parliament sessions as conducted in other pacific islands. This programme will be carried out before the next general election in 2016. Training activities will include: (a) training package for potential female candidates; (b) practice parliament for women; (c) civics education including education in

school. It is envisaged that the Australia Aid will fund this training programme through its Pacific Women Shaping Pacific Development.

Legal Context

81. The Constitution of Nauru does not cover substantive equality and at present temporary special measures are not part of any legislation and policy (legislative measures). Accordingly, Article 29 of the Constitution and the Electoral Act 1965 ensures equal rights to vote. There is universal suffrage for citizens who have reached the age of 20 years. There is equal eligibility for political representation as neither Article 31 of the Constitution and the relevant provisions about nomination under the Electoral Act 1965 makes any distinction between men and women. There are cultural barriers to achieving equal political representation, but no legislative impediment.

Policies and Implementation

82. Efforts need to improve towards Temporary Special Measures to ensure gender equality according to CEDAW, as well as income generating programmes, access to Australian-Aid scholarships; APTEC encourages solar engineering, and other non-traditional work.

83. Scholarships are awarded on merit basis regardless of sex, discussions were held with the public regarding a quota for number of women in parliament however was declined as majority of women stated there was no need for the quota as they were able to get in on their own merit.

84. Important to note that business licenses are given out without any gender based bias. This is seen as a positive step in allowing more women to be involved in owning and managing business. The Department of Justice and Border Control issues business licenses and has in the past 5 years found that 51 per cent of business were owned and registered by women.

Article 5: Sex roles and Stereotyping

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases".

Situation: Sex roles and Stereotyping

85. Social and cultural stereotypes are prevalent in Nauru. So is early motherhood for young women. Current gaps include lack of awareness, and negative attitudes which discriminate against women.

86. Strengthening respective departments, such as the women's department, through gender mainstreaming is important. There is need to conduct study to demystify the gender stereotypes, review school curriculum to remove gender stereotypes. Education is currently working on child's rights issues which include the girl child.

87. There is some difficulty for pregnant women to get approved sick leave unless admitted into hospital. Approved sick leave of 4 days each year is applicable if completed one (1) year of service and is for 3 days special leave each year. This is applicable to all public servants.

88. The dilemma for the women is awarding of the "Maternity Leave" if you have borne a still born child, you are required to return to work straight after delivery unless you have pending leave entitlements. You have to produce a child before you are eligible for maternity leave. The issue stems from health, as doctors are not willing to issue the leave for the mother who has delivered a still born child, therefor the employer expects the mother to return to work straight away. Maternity Leave is granted on pregnancy, the condition is not the baby but the pregnancy.

Legal Context

89. There are no laws that prohibit women's participation in any employment opportunities or disallowing them from joining in any national activities. The re-integration of teenage mothers into the school system is not legally catered for but is not at all unpermitted. The Education Act, 2011 ensures that learning opportunities through school subjects are availed to all children regardless of their sex. The old practice allowing only boys to engage in trade fields like woodwork or metal work; or only girls to sign up for home economics is no longer practiced in Nauruan schools. The Public Service Act, 1998, Section 51 reflects government support of maternity leave as being 3 months. The Breast Feeding Policy allows for a one month Breast Feeding leave, an extension from the time of maternity leave. The Nauru Rehabilitation Corporation includes in their leave policy a period of two weeks paternity leave for a father to support the mother during the initial stages of new birth. In Section 47, Subsection (2) of the said Act the Chief Secretary may grant leave without pay for a validated reason of a period not exceeding twelve months.

Policies and Implementation

90. There is a need for capacity building and support in mainstreaming policy, legislation, plans, institutions and training. The education curriculum is not gender-based. Male and female students are able to take the same courses and not restricted to a particular sex. The Department of Education "Policy Manual (2007) strongly supports the importance of gender equality that all children are treated fairly and equally whatever the gender". Gender discrimination and restriction is totally unacceptable within and outside the schools. Teachers are required to uphold this policy. Failure to comply with policy will be dealt with and penalized.

91. The NSDS (2005-2025) promotes Sexual Health Education to be integrated in the school curriculum (NSDS-Short Term Milestone 2012). The Medium Term Milestone (2015) endeavours to decrease rates of pregnancy and STDs among teenagers while the Long Term Milestone (2025) will ensure the Department of Education in collaboration with Department of Health are both responsible to ensuring these goals are met.

92. A new curriculum "Physical Activity and Wellness Studies" (PAWS) is currently in development which incorporates sexual and reproductive health including HIV and AIDS. Within the draft curriculum, these components are under the "Understanding Wellness" component or strand has elements of HIV and SRH education in Years 4 to 10. The Department of Education is aiming to have the curriculum and the teachers trained in its implementation by the end of 2014. However, implementation was not successful due to the lack of training and qualification of Physical Education Instructors in schools. The number of PE teachers for (PAWS) did not complete training as most have resigned for better paid jobs at the Reprocessing Centre (RPC).

93. In 2013 the Department of Education received support from UNFPA to develop a Comprehensive Sexuality Education (CSE) to be integrated into the national curriculum which has been named aptly named Family Life Education (FLE) programmes by Ministry of Education. A consultant was provided to develop a package of curriculum materials targeting Years 7, 8, and 9 students and to up-skill 18 teachers and principals to assist in the implementation of this module.

94. In 2014 the FLE Community Outreach/ Awareness Programme funded by UNESCO was implemented by the Department of Education staff in various communities but community attendance was poor. There is the need to strengthen Community involvement and support.

95. A technical consultant with the support of UNFPA was on island to further develop the CSE on Nauru especially in reviewing the Family Life modules, DVD video clips and training teachers on Family Life Education pretesting. There is a need to involve school liaison officers and church groups and departments to be also trained.

96. It is important to note that persons with disabilities, including those who are amputated, should automatically be entitled to assistance. Infrastructure needs to be gender sensitive as there is lack of infrastructure that is able to cater for the needs of women (general public) with disabilities- ramps etc.

97. The Training Unit Development recently established within the Department of the Chief Secretary provides career training for employees of the Public Service ranging from Basic English, Computing, Student Internship Programme, and Policy Planning. These provisions are free to all employees as part of Government initiatives to up-skill the workforce and afforded to both male and female employees as shown below:

Table 2
Government Training Initiatives

Year	*Type of Training*	*Female*	*Male*
12/13	Public Policy	13	3
12/13	Student Internship	21	34
12/13	USP Semester Courses	25	27
12/13	USP Short Courses	9	9
	Overseas Training	1	1
Total		**69**	**74**

98. Education currently does not provide equal opportunity for girls and boys especially in the cases of teenage pregnancy; a female student is unable to restart schooling from where she left off. Equal employment opportunities are afforded to men and women. Decisions are based on merit, qualifications and experience rather than gender-based.

99. The Public Service Act Review 2011 supports different types of sick leave such as carer's or parental leave, which are not provided in the PSA. The concept entitles-maternity leave of 3 months with pay (full) and paternity leave (2 weeks) paid leave. It also applies to adoption of a child to enable parents to bond with new baby. The idea of carer's or bereavement leave would enable employees to take up to 8 weeks of sick or carer's leave in exceptional circumstances such as serious illness or recovery from an operation and so forth.

100. The Eigigu Holding Corporation (EHC) has made significant changes to fulfil aspirations of Government in relation to CEDAW on the following: (a) inclusion of maternity leave provision of 84 working days; (b) EHC Draft Policy has completed its consultation process and will soon be submitted to the EHC Board for endorsement. The draft policy has encompassed many aspects of working rules/ethics from recruitment, leave, equal employment opportunities, corporate culture, sexual harassment, and disciplinary process; (c) carer's paid leave provided for carer's/care givers who are mostly females-spouse, mothers. Grandmothers to look after sick family; (d) women's empowerment in terms of trainings — EHC employees are encouraged to undertake courses at USP or other training Institutions; (e) entitlements for positions are awarded to employees whether male or female seniors which include, vehicles, phone usage, laptops, internet access, travel benefits and uniforms; and (f) for women who need to take care of a sick child and leave is exhausted, she can go on leave without pay

Article 6: Exploitation of Women

> *"States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women"*

Situation: Exploitation of Women

101. To date the relevant government departments namely the police records and Customs and Immigration do not have any records of cases of trafficking and

prostitution. Plans are underway to ensure that the relevant government department including police and customs and immigration are properly trained to deal with issues relating to trafficking in women. Although a group allegedly named the 'Sell'Em Squad' was once investigated but findings were inclusive pertaining to the technical aspects of the Criminal Code which required the police to eye witness the trade of cash and sexual activity.

Legal Context

102. The application of Part VI of the Immigration Act 1999 applies to conduct constituting an offence under this Part that took place in or outside Nauru in the following circumstances: (a) if Nauru is the receiving country or the exploitation occurs in Nauru; or (b) if: (i) the receiving country is a country other than Nauru; and (ii) the offence of trafficking in persons or smuggling of migrants originates in Nauru or transits Nauru; or (c) if the person who engages in the offence of trafficking in persons or smuggling of migrants is a Nauruan citizen or a Nauruan visa holder.

103. Section 27 of the Immigration Act 1999 Offence of trafficking in persons states that a person who engages in trafficking in a person knowing that the person's entry into Nauru or any other country was arranged by unlawful means commits an offence. In addition section 28 clearly states that a person who engages in trafficking in a person who is a child, regardless of whether the child's entry into Nauru or any other country was arranged, commits an offence. In addition, section 30 states that for sections 27, 28 and 29, it is not a defence: (a) that the trafficked person or unlawful employee consented; or (b) that the person charged believed consent was given.

104. Section 217 of the Criminal Code, 1899 relates to 'Procuring a Girl or a Woman' to entice or lead them away with intent of carnal knowledge. This provision is not focussed on the act of prostitution of the woman but rather the act of buying making the customer the offender only. Nauru laws are silent on prostitution as selling sex is not mentioned in any national law.

Articles 7-8: Participation in Political and Public Life

"States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular shall ensure to women, on equal terms with women, the right;

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) to participate in non-governmental organizations and associations concerned with the public and political life of the country".

Situation: Participation in Political and Public Life

105. It is important to note that only two women have ever been elected to parliament in Nauru. During the constitutional reforms in 2006, it was suggested

that some seats be reserved for women but this was met with resistance from the community, including some women, and was not pursued. Only a few women stood as candidates. In the 2004 general elections, only 2 women stood out of 73 candidates. In the 2007elections, there were 7 women out of 79 candidates. There are cultural and traditional barriers to women running, in particular familial ties, a common problem in small countries.

106. In June 2013, Nauru elected a woman[6] to parliament after a period of 20 years.

107. A major hurdle in Nauru is increasing female representation in parliament and the number of women standing for office. Temporary special measures such as reserved seats or quotas for women are seen by many political experts as the only way to increase the number of women in politics at all levels of Government. In 2010 the Pacific Island Forum Secretariat, together with UNIFEM and UNDP supported the development of national action plans on women in decision making in Pacific Small Island States.

108. Equal right to vote for all who have reached the age of 20 years. Nauruan women have the opportunities in participating in elections. At the government level, women are employed at managerial levels. At government level there is favouritisms and nepotism that prevents women from being part of public office and very limited consultation with women when laws are being developed.

Legal Context

109. The number of women holding senior positions in government and SOE is quite positive and encouraging. Of the SOE, 9 females hold top positions at Nauru Rehabilitation Corporation (Rehab), 3 females at Republic of Nauru Phosphate Corporation (Ronphos) and 35 women occupy senior positions at Eigigu Holding Corporation Nauru Air Corporation has 5 females while the Director for Civil Aviation is also a female as well as the Director for Government Information Office (GIO).

110. Four women hold senior positions as Head of Departments appointed by Cabinet in the Ministries of Education, Home Affairs, Media and Human Resource and Labour. The last-mentioned has only one woman in the leadership position with the majority of males as Directors and Management positions. The Department of Home Affairs, comprising Director of Women's Affairs, Director for Youth Affairs, Director for Language and Culture and Director for Family and Community Services are all headed by women. The Department of Education on the other hand has an Education Advisor, 3 Directors, 3 Managers (ECE, Primary, and Secondary), 10 principals and 4 Deputy Principals are all women.

111. A number of women have also been appointed as Board of Directors or Representatives on Committees for SOE and Government entities as shown below.

[6] Charmaine Scotty, current Minister for Home Affairs.

Table 3
Committees for SOE and Government Entities

Organization	*Type*	*Positions*	*Number*
NRC	SOE	Director	2
RONPHOS	SOE	Director	2
Nauru Airlines	GON	Directors	4
Fisheries	GON	Director	1
Teacher Registration and Curriculum Board	GON	Chairperson	1
		Members	2
Public Service Appeal Board	GON	Members	2
Parole Board	GON	Member	1
Liquor License	GON	Health	
Health			
Nauru Lands Committee	GON	Chairperson	1

Policies and Implementation

112. Plans are underway for women to increase leadership and decision making opportunities through UNDP conducting the Pacific Women in Politics Programme which has supported practice of mock parliaments in Kiribati, Palau, Papua New Guinea, Solomon Islands and the Republic of the Marshall Islands. UNDP will contextualize the programme to Nauru's unique background and environment. Civics education and training will be conducted in the lead up to the mock parliament Civics education will be conducted across all communities using diverse methods such as films, community consultations and radio programmes.

113. Topics covered will include the role of parliamentarians, parliamentary procedures and election processes and the importance of women in parliament. Training in the mock parliament will include advice on key parliamentary procedures, as well as substantive policy issues of national relevance, which will be decided in country but may include, gender equality, climate change, youth development, anti-corruption issues and electoral processes. The primary aim is capacity development for the women themselves and also to increase social acceptance of women as candidates.

114. This activity will involve the Minister for Home Affairs (Nauru's only female Minister) her staff and the Officers of Nauru Parliament to participate. This programme is offered by the Australian-Pacific Women Parliamentary Partnerships Programme (International Relations Community Office, Australian Parliament) and funded by DFAT (Australia).

Article 8: International Representation and Participation

> *"States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations"*

Situation: International Representation and Participation

115. There are more women than men at International Level Offices. In International representation, both women and men have equal opportunities although basically this is at Cabinet level and H.O.D. of which could be political. These include - Ambassadors (1 NY), 2 female officers at the NY Consular, 1 Consul General In Brisbane, Australia, 1 Consular Agent in Thailand, and 1 First Secretary in Taiwan. There are no female High Commissioners but 2 women holds the positions as First secretary and P.A to the High Commissioner to Nauru in Suva, Fiji. In comparison there is an Ambassador at the Diplomatic Mission in Taiwan, a Consul General at the Thailand Embassy, High Commissioner to Nauru in Suva Fiji and First Secretary post in Brisbane Australia.

116. Women have equal opportunity to represent Government at the International level and participate in the work of international organizations.

Legal context

117. This is governed by the Diplomatic Privileges and Immunities Act 1976.

Article 9: Nationality and Citizenship

> *1. "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband*
>
> *2. States parties shall grant women equal rights with men with respect to the nationality of their children"*

Situation: Nationality and Citizenship

118. Women who are citizens of Nauru have an equal right to change or retain their nationality. However, non-citizen woman who marries a Nauruan man does not have an equal right to attain citizenship relative to a man who is a non-citizen marrying a Nauruan woman; because of Article 74 in the Nauru Constitution, the non-citizen woman has greater, but unequal rights. However there have been cases of Citizenship granted of whom 51 per cent of females and 49 per cent males have been granted Nauruan Citizenship (Registrar 2014).

119. It is envisaged that the relevant line Ministries will work towards ensuring greater equality in citizenship in the near future. This will be undertaken by the Department of Justice and Border Control, Foreign Affairs, Immigration and the Department of Women's Affairs.

120. Woman married to a foreigner husband will not be automatically eligible to citizenship; a man married to a foreigner wife will automatically be eligible to citizenship.

121. The adoption between foreign national and Nauruan is now possible whereas previously only Nauruan to Nauruan or non-Nauruan to non-Nauruan adoptions only were legally permitted.

Legal Context

122. Women who are citizens of Nauru have an equal right to change or retain their nationality. Marriage to an alien or change of husband's nationality does not affect the wife's nationality. Both spouses do not have equal rights to residency, citizenship and employment when married to a non-national. In spite of Section 5(1) of the Naoero Citizenship Act 2005, a non-Nauruan woman who marries a Nauruan man is automatically entitled to citizenship. If she does not apply for it, she may obtain residence visa as a dependent of a Nauruan, but there is no entitlement to such a visa. A non-national who is married to a Nauruan and who secures a residence visa is entitled to work.

123. Pursuant to section 4 of the Naoero Citizenship Act 2005, both spouses have equal right to determine the Nationality of their children. A child of a Nauruan is automatically a Nauruan. If a parent wanted to renounce their Child's Nauruan citizenship because it would affect their entitlement to another citizenship, both spouses would have equal rights. The Amendment of Naoero Citizenship Act 2005 under section 5 (1) states that a person who: (a) Is born in Nauru to parents who hold the citizenship of another country and has been a resident in Nauru for at least 20 consecutive years; or (b) is born in Nauru to parents who hold the citizenship of another country and is adopted under the laws of Nauru by a citizen of Nauru; or (c) a man who has been married to a Nauruan Woman for at least 10 years and has spent those 10 years as a resident in Nauru; is eligible to apply for admission to be a Nauruan.

124. Women have an equal right to obtain a passport, pursuant to Passports Act 2011.

125. In May, 2015 the amended Adoption of Children Act, 1965 was passed where Section 9 was repealed allowing adoption between non-Nauruan and Nauruan.

Policies and Implementation

126. Ministries involved: Justice, Department of Foreign Affairs and Trade (DFAT), Immigration and Women's Affairs. An amendment to Article 74 has been proposed that would make the provision gender-neutral and would qualify the entitlement.

Article 10: Education

"States Parties shall take all appropriate to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on the basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access in the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of all stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of text books and school programmes and the adaptation of teaching methods;

(d) The same opportunities to receive from scholarships and other grants;

(e) The same opportunities for access to programmes to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

(f) The reduction of female student drop –out rates and the organization of programmes for girls and women who have left school prematurely.

(g) The same opportunities to participate actively in sports and physical education

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning".

Situation: Education

127. The NSDS recognized that Education plays an important part in achieving NSD's vision by preparing young Nauruans for the future. The Education system is comprised of 10 schools, there are District Infant schools each feed into Yaren Primary School (Years 1-3). Children then progress to Primary School (Years 4-6) and then to Nauru College (Years 7-9) and finally Nauru Secondary School (Years 10-12) where compulsory education end at Year 12. Kayser College, a Roman Catholic Government managed funded institution, provides parallel pathways for the Infant years to Year 8 when students leave to enter Year 9 at Nauru College.

128. There is also a Centre for disabled children and youth of all ages (Able Disable Centre). Children with disabilities are not integrated into streamline education, however, a centre of has been established which caters to their educational needs. The 'Able Disable Centre' of Nauru was established in 2002. This is the first centre established in Nauru for children with special needs. To date, the Able Disable Centre is resourced by a teacher in charge, 2 teachers, 3 trainee teachers with one, teacher being hearing impaired. Currently, 42 students, with ages ranging from 4 to 34 attend classes at the Able Disable Centre. Classes are held from Monday to Friday and as follows: minors start at 9:00am to 12:00pm; and primary and secondary level from 9:00am to 3:00pm. Current programmes taught at the Able Disable Centre focus on: a) life Skills in gardening, cooking, health and art and craft; and b) Individual Education Programme (IEP). Inclusive education will be progressively realized in the coming years.

129. At age 4 years, children start Play Schools which is not compulsory but provides children with a head start before entering the formal schooling system. Compulsory education begins at the pre-school years at the age of 5 years and is supposed to be in school until 18 years (Education Act 2011). The Government manages and finances all the schools from ECE (Play Centre, Pre-school and Prep) to year 12 through the Department of Education. All schooling is free to parents

except for school uniforms which is the parent's responsibility. Government provides free basic materials to all students as well as free bus transport.

130. The Ministry of Education reports that net primary enrolment has improved from 69.7 per cent in 2002, to 95 per cent in 2011, an improvement due to community outreach efforts and reforms within the education system. Primary school completion rates also improved, but over a longer timescale, from 81.3 per cent in 1992 to 91.2 per cent in 2007. Attendance rates of both students and teachers remain a concern, although these rates have also improved in recent years, other issues of concern are low academic achievement levels, as shown by national examination results, and low (although rising) secondary school completion rates for both the girls and boys.

131. In Nauru girls are out learning boys by staying in school longer and winning more secondary and tertiary Scholarships, however, near universal primary school enrolment rates (96.9 per cent for boys and 97.7 per cent for girls) contrasted with high youth unemployment (70 per cent) and teen pregnancy rates (15 per cent) pose a significant risk for the future social and economic wellbeing of the island.

132. The Department of Education and parents report truancy and absenteeism across all school levels as a key problem, especially among boys who make up 80 per cent of cases. High student absenteeism stems from a lack of faith in the Nauruan education system following the near collapse of the 1990s. Today's parents were students at the end of the economic boom. In Nauru these parents are described as "children of the lost generation" who did not attend school and therefore find it difficult to control or influence their own children's education. Traditionally, mothers are primarily responsible for children and yet in today's society many women stated that they feel powerless to control children's mobility, bedtime and school attendance. In families where mothers are working older children take on the care responsibility for younger siblings, which further contributes to high rates of absenteeism. According to Nauruan women consulted, men are unable to influence their children's educational attendance; however, they are traditionally and remain strong patriarchs able to assert control over the female's dress, mobility and behaviour.

133. The Department of Education through the revised Education Act (2011) has taken steps towards improving Education completion rates. The age for compulsory schooling has changed from 16 to 18 years; schools offer free Buses and lunches to all students and limited start up kits including a school bag, books and uniforms. Strategies to promote student engagement in education include a revision of the school curriculum to provide more vocational Pathway and a re-entry programme for students (including teen mothers) who have dropped out of the education System. A Family Life education programme has also been developed and will be piloted at Nauru College (ages 14-15) in 2014 with the aim of providing basic sex education and life skills for teenagers. Furthermore Government Initiatives to promote education attendances include the $5.00 per week allowance for students. This will begin in 2016 with the trial school being Meneng Infant School.

134. In light of the disconnection between parents and their children's education, a concerted effort is being taken by the Department of Education to revitalize Parent Teacher Associations. Community Liaison officers have also been employed to work with the Department of Education to follow up with parents regarding students who are not attending school regularly.

135. While there are no statistics available on sexual harassment within schools, the revised Education Act (2011) outlines disciplinary action for sexual harassment in schools. At present the majority of teachers are female, but the Department of Education has recently allocated five teaching scholarships to males and hopes to promote male role models in education.

136. Vocational pathways are available to school leavers and adults in Nauru through the Australia Pacific Technical College (APTC), University of South Pacific (USP).The NSDS called for the improvement of the educational system, focusing on the quality (to regional standards), scope (primary, secondary, vocational And life and trade skills) and reach new audiences (mature age), for the "A just society that recognized and respects the rights of women and promotes equal opportunities," and to investing in youths for a sustainable future.

137. The Department of Education reports that net primary enrolment has improved from 69.7 per cent in 2002, to 95 per cent in 2011, an improvement due to community outreach efforts and reforms within the Education System. Primary school completion rates also improved, but over a longer timescale, from 81.3 per cent in 1992 to 91.2 per cent in 2007. Attendance rates of both students and teachers remain a concern, although these rates have also improved in recent years. Other issues of concern are low academic achievement levels, as shown by national examination results, and low (although rising) secondary school completion rates for boys and girls.

138. Nauru is likely to achieve the goal for universal primary education, but more work needs to be done to maintain improvements in enrolment rates for secondary education and attendance rates in both primary and secondary schools. The 2013 Regional MDG Tracking Report showed Nauru's progress towards MDG 3 as mixed. Nauru achieved gender parity in education however there are concerns over the enrolment of boys at high school. The report also highlighted an overall trend for all Forum Island Countries (FICS) of high level of enrolment of girls in schools not leading to economic outcomes. The limited access and opportunities for girls and women in technical, science, engineering and management remains a challenge.

139. The situation of women in education is that they have equal rights to education. However there has been a decline in young girl's enrolment. School age single parent mothers are allowed to continue school. Young girls do not usually attend school as they become carers. Women have equal opportunities to vocational careers; persons with disabilities have limited access to such programmes. Employment opportunities, training for women employed in private and church funded schools; co-education based schooling which eliminates the gender stereotypes. Textbooks are revised to eliminate gender stereotyping.

140. Re-entry school programme was introduced in 2012 for disengaged students or truants to return and uplift their learning standards before being mainstreamed into the school system. The re-entry programme consisted of 68 males and 11 females in 2012 and 52 males and 20 females in 2013 (Department of Education statistics 2014).The data showed that the number of males decreased and not needing re-entry programme while the number of females increased, an indication that more female students are returning to school. This is a positive trend and need to be sustained. Women and girls have equal access to education and school is compulsory from ages 5-18 years for boys and girls (Compulsory Ordinance 1921 and Education Act 2011).

141. Reproductive and Sexual Health and Family Planning receive more attention in schools, and are compulsory, by virtue of department policy, but not by reason of statutory compulsion. A Legislative entitlement may be required to receive this type of education in schools.

142. The Education Act 2011 limits the circumstances in which a student can be expelled (misbehaviour, etc.) but there is no express legislative protection for pregnant students. The general right to free education, compulsory education, and limits on disciplinary action combine to go towards prohibiting expulsion from school due to pregnancy. Addressing this issue directly through specific prohibition may be advisable to fully comply with Article.

Legal Context

143. Pursuant to the Education Act 2011, women and girls have equal access to education. Since 14 July 2011, School has been compulsory from age 5-18 for girls and boys (Compulsory Education Ordinance 1921 and Education Act 2011)

144. Reproductive and sexual health and family planning receive more attention in schools and are compulsory by virtue of department policy, but not by reason of statutory compulsion. A legislative entitlement may be required to receive this type of education in schools.

145. The Education Act limits the circs in which a student can be expelled (misbehaviour etc.) but there is express legislative protection for pregnant students. The general right to free education, compulsory education, and limits on disciplinary action combine to go some way towards prohibiting expulsion from school due to pregnancy. Addressing this issue directly through specific prohibition may be advisable to fully comply with Article 10.

Policies and Implementation

146. The Education Act (2011) introduced a range of policies that are altering the education landscape which include: (a) establishment of teacher registration and curriculum board (all teachers to be registered with the board by 2015 and hold a recognized teacher qualification — minimum standard of diploma and bachelor degree); (b) compulsory enrolment and attendance for children in school from 5-18 years old (16 years previous); (c) employing school age children during school hours is illegal; (d) corporal punishment in school is illegal; (e) all schools are required to adhere to the principles of inclusive education (especially those with special needs including disabilities).

147. The Education Act (2011) penalize parents and guardians who do not send their children to school, a penalty of $50 is imposed on first offence and $250 if subsequent offence occurs in the school year whether it is the same child or not. Employment of school age children during school hours is prohibited with a hefty fine of $1000 with the exemptions of those registered in home education or applied and issued a certificate of exemptions.

148. Responding to the aspiration of the NSDS (2005-2025, the Education sector developed its Strategic Plan (Footpath 11-2008-2013. A new Strategic Plan 2011-2016 has been developed which guides the Education's Annual Operational Plan (AOP 20 13/15) for planning and implementation. The Department of Education is jointly supported by New Zealand/ Australia programme of technical and financial

assistance to drive an ambitious programme of reform and innovations across the whole system. The following strategic priorities being implemented through the system are: (a) upgrading of teacher qualifications; (b) supporting youth entry programme; (c) developing early childhood education; (d) establishing the learning Village Campus; (e) providing accredited technical and vocation education and training; (f) embedding the new curriculum (Prep-Year 10); (g) introducing an Australian senior curriculum and training; (h) benchmarking assessment of literacy and mathematics as key points in the school cycle; (i) improving learning outcomes for the disabled; (j) strengthening school based management through school planning and the grants programme; and (k) DOE AOP developed to guide implementation of sector strategy.

149. In 2013 the Government awarded scholarships to successful students (3 males and 1 female) in year 9 to study in Brisbane, Australia while two (1 female and 1 male) for TVET training at TAFE, Queensland in the areas of Construction and Textiles. Two placements for Tertiary Studies will be offered to the first cohort of graduates in the Queensland Certificate Education (QCE) in 2015. The Government of Nauru also offers 10 Scholarships to secondary aged children in year 8 to Fiji to complete their education in Fiji. The year 8 scholarship awards have increased to 15 placements.

Table 4
Government Scholarships

Year	*Males*	*Females*	*Total*
2009	4	6	11
2010	6	5	11
2011	5	5	10
2012	5	5	10
2013	5	5	19
	25	31	57

150. In relation to student attendance, completion rates and learning achievement at all levels as well as teacher attendance and the increased number of qualified teachers leaving the profession for higher paid local employment, there is a vital need for Government to increase local salaries in order to retain teachers and attract young people to the teaching profession.

Article 11: Employment

1. States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings.

(b) The right to the same employment opportunities, including the application of the same criteria of the same criteria for selection in matters of employment.

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.;

(f) The right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take all appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of child-care facilities.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them

3. Protective legislation relating to matters covered in this Article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Situation: Employment

151. Analysis of the Nauru Household Income and Expenditure Survey (2006) found no correlation between poverty or earning potential and gender. Men and women have equal salaries for equal jobs and have equal access to jobs on the island; however women comprise the majority of the public service (85 per cent). Although official statistics indicate a degree of gender stereotyping in terms of occupational choices, there are examples of women breaking gender roles and working in areas such as security and drivers of heavy equipment.

152. There is almost gender parity in the top third of the wage scale with women representing 48 per cent of all wage earners in this bracket. In the middle and bottom brackets, women comprised 71 per cent and 56 per cent of wage of all people employed by Government.

153. Employment rights in law need to be reviewed. Some traditional jobs such as fire-fighting and engineering largely attract men. Government must standardize

policies affording same opportunities for both sexes to apply to all kinds of jobs and all levels. Women in Nauru are entitled to 3 months paid maternity leave but there is currently no paternity leave entitlement for men. Paternity Leave is awarded to workers at the Nauru Rehabilitation Corporation (NRC).

154. Although maternity leave is allowed as part of public service, there is no protection in the law that protects women from unfair dismissal on grounds of pregnancy. There is also no breastfeeding policy (nursing breaks) and protection policy for pregnant women employed as policewomen, heavy equipment drivers, cleaners and physical labouring jobs.

155. Leave entitlements promote women's labour force participation, yet low salaries and a lack of reliable care options for infants and ailing parents make it difficult for women to return to work There is no care economy in Nauru, which means, no aged care facilities or child care centres. Infants and the sick are cared for by female relatives in the last year, a number of skilled female workers (10 teachers and 7 nurses) have not returned from maternity leave or have left their careers to take up unskilled jobs at the Offshore Processing Centre (OPC).

156. Government is primarily responsible for providing all social support services on island such as social benefits as in pensions are awarded every fortnight to all persons 60+ and persons with disability of Au$200.00. There is also a concession of ID75 for the elderly to travel on Nauru Airline. All medical care is provided free of charge at the Republic of Nauru Hospital (RON Hospital), a portion of which will be rebuilt following a recent fire, destroying buildings and medical records.

157. Most women work in clerical and professional occupations and men in occupations related to crafts, trades, and plant and machine operation. Only 2 per cent of the economically active population was engaged in traditional (non-formal) work such as agriculture and fishing activities, involving more men than women.

158. According to the 2007 DHS, employment levels are positively associated with educational attainment, particularly for women. Women with more than secondary school level education are more likely to be employed (77 per cent) than those with only secondary level education (50 per cent). The 2007 DHS found that 73 per cent of men who only had a secondary education were employed, compared with 50 per cent of women.

159. The proportion of people employed increased with age, and is highest in the 35-39 age groups for both men and women, and with the number of children. Married women are the most likely to be employed (54 per cent), followed by those who are divorced, separated, or widowed (53 per cent). Women who never married are the least likely to be employed (46 per cent) while 61 per cent of never married are employed.

160. Through the Women's Affairs Department (WAD), the newly formed Nauru Women's Entrepreneurial Nauru Association (WENA) assists women in the community to start and manage small businesses. Graduates from the Community Education Training Centre (CETC) similarly assisted communities to develop gardening, cooking, sewing and other livelihood projects, and as community workers often represented women in community and national consultations. The Forum Secretariat assisted the Government of Nauru in developing their National Strategy on Women's economic Empowerment which focuses on better working

conditions and employment opportunities, training for women in the technical and management fields, better access to finance and saving schemes.

161. There are no produce markets in Nauru as all foods are imported. An informal market economy has emerged via social media where people can buy and sell new and second hand goods. The scale of this informal market is said to be large due to the number of followers and given that 89 per cent of Nauruans have mobile phones, many with internet access. Social media websites are also being used as community notice boards where job postings and community notices are advertised.

162. The private sector in Nauru is small (less than 300 businesses) and a lack of capital makes it difficult to start or grow new businesses. The Nauru Private Business Sector Organization is conducting research on the size, ownership structure and type of businesses, which will provide sex disaggregated data of female entrepreneurs.

163. From 2001-2007, and since 2012, the Australia Offshore Processing Centre (OPC) for asylum seekers has provided a significant source of income and employment on Nauru. The Centres currently accommodate about 700 asylum seekers and offer 800 jobs for Nauruans. Currently there are 480 refugees in the community (this includes 144 adult men, 40 adult females, 269 in family groups and 27 unaccompanied refugee minors). There are 162 refugee women in the community. Landowners also benefit by leasing their lands to build accommodations and for container storages.

164. Employment through Government and OPC contributes to growing labour force participation rates (men 78.9 per cent and women 49.3 per cent). Nauruans have been able to increase their income and improve the livelihoods of their families through the Enterprise Resource Centre. The Enterprise Resource Centre has assisted many Nauruans who have accessed the Centre's services including financial literacy training and access to a micro-credit fund that provides loans of up to AU$2000. Support from the Centre has led to the establishment of 16 successful businesses and five new jobs have been created. The Centre has funded 17 business projects of which 14 of them were led by women, including 10 young women, and three by men, of which two were youths. Robust economic growth, since the Government was elected in 2013, has seen economic growth rate of at least 15 per cent. Last year saw job creation exceed the employment market and the Government of Nauru implementing welfare and education incentives to strengthen programmes to fight poverty. The Centre was set up in 2010 as part of the Nauru Entrepreneurship Development Programme, a joint initiative between the Government of Nauru and the United Nations Development Programme (UNDP) with US$211,693 funding from the Government of Australia through the Australian Agency for International Development (AusAID). The Nauru Entrepreneurship Development Programme has made a contribution to the development of the Small and Medium Enterprise sector — a priority identified in Nauru's National Sustainable Development Strategy 2005-2025. Additionally, the Government of Nauru has opened the Bendigo Bank which has provided the much needed banking services for Nauru. Further, the Government of Nauru has in place a welfare system which allows for payment of allowances to senior citizen, persons with disabilities and new born babies.

165. More than one third of all households are female headed, life expectancy (61.9 males and 69.4 females) the lowest among the pacific island countries and territories.

Legal Context

166. The Public service Act 1998 repealed the Public Service Act 1968 following an economic reform programme in 1998. The Act is also outdated and coverage for inequality especially for women in the workplace is limited. Currently there is no law applicable to serve the private sector however some State Owned Enterprise (SOEs) has established some regulations which are also weak in terms of protecting women.

167. The limitations of the Act is the lack of institutionalized provisions for a fair and proper treatment of employees in all aspects of their employment including for a safe working environment, impartial selection of suitably qualified persons for employment and opportunities for the development of individual employees.

168. Without a law to protect the Private sector, employees working in this sector especially women are severely disadvantaged in terms of rights and benefits compared to public servants. Some of the mistreatment are: unfair dismissal because of pregnancy, no maternity leave, no sick/special/recreation leaves in most private businesses.

169. There is no anti-discrimination legislation (including sanctions) on the grounds of sex, marital status, sexual orientation, pregnancy, HIV status, Specific anti-discrimination law is required to extend to employment.

Policies and Implementation

170. To date there has not been any substantial programming around gender equality in Nauru by Government or development partners. Development partners including UNFPA, and SPC have supported specific activities and research, SPC provided national level training on human rights. Some support has also been provided to community groups, civil servants in legislative lobbying, Women's business training course supported by Pacific Island Forum Secretariat (PIFS) and in 2003 women were trained to draw to develop business plans but were not able to provide additional funding or support to help women realize their plans.

171. UN-Women is the only resident agency with a focus on gender equality and women's empowerment working in Nauru. Despite their presence, UN-Women are not currently programming in Nauru, instead it is playing a coordination role and representing, UNDP, UNICEF, UNFPA and IOM. UNFPA supported the Family Health and Safety Study Survey and planned on supporting the development of a reproductive health plan in 2014. United Nations Agencies also plan on coordinating technical support to the Women's Affairs Department (WAD) around CEDAW reporting.

172. Australia is the largest donor to Nauru, with focused support to Nauru on health, education, infrastructure and strengthening the public and private sectors. Australia's support in the lead up to 2015 will be reviewed to provide an opportunity to modify the focus of development assistance towards gender equality, and in particular, the key result areas of the Pacific Women Programme. In the absence of any comprehensive long term programming on gender equality and

women's empowerment in Nauru, especially in the area of addressing violence against women, DFAT is well placed to provide assistance: (a) deployment of a full time expatriate psychosocial counsellor at one of the Health facilities to provide counselling for men, women, boys and girls on domestic violence, alcohol, teen pregnancy and other issues that contribute to domestic violence; (b) roll out a training package on domestic violence for all health workers including referral pathways, to identifying victims of violence and the handling of cases of domestic violence; (c) established health worker protocols for screening and minimum service standards for domestic violence; (d) with a better coordinated referral system between the Nauru Hospital, Schools, Police and Eoag'N Ratequo (safe house); (e) roll out of an information campaign on violence (including domestic violence) and services available here in Nauru.

Article 12: Health Care and Family Planning

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of, health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Situation: Health Care and Family Planning

173. Nauru has a number of major issues, the most common and serious of which is the high rate of Type 2 Diabetes. Other major health issues (some of which contribute to the prevalence of diabetes) are poor nutrition, high rates of smoking and alcohol consumption, obesity and heart disease. Life expectancy for Nauruan males is 61.9 and females 69.4. The population growth rate is 4.1 per cent per annum.

174. Nauru's teenage pregnancy rate increased from 63 per thousand in 1992 to 93 in the period 1997-2002, almost one in every 6 girls aged 15-19 had already born a child. Although most couples marry when they discover that the girl is pregnant, the high rate of teenage pregnancy is a concern, since most of these pregnancies are unintentional and burden young people with the responsibilities of parenthood before they themselves have become adults.

175. All Nauruans receive free medical services on Nauru. Every year Government arranges for medical specialists to visit the island and provide the much needed medical services. This gives Nauruan an opportunity to seek specialist medical treatment and obtain referrals which are not otherwise readily available on island. The Government also makes annual budget provision for overseas medical treatment for cases that meet selected criteria.

176. The project to establish Community Clinics is in its infancy stage and is currently being piloted in one district. Each district has a community nurse and a community health liaison officer. In the field of health care, there are high rates of teenage pregnancies, high prevalence of STIs, NCDs, (which create a lot of disabilities) mortality rates, breast cancer and cervical cancer. Husband's consent is

still required on reproductive rights decisions. A public health bill could propose the opportunity to strengthen women's health rights, reproductive health education, including introduction of sexual reproductive health education in school curriculum.

Legal Context

177. Although CEDAW is silent on abortion, it gives women the choice. In the context of Nauru, abortion is criminalized. Unless in certain exceptions, particularly in cases those endangering the lives of the mother.

178. Women in Nauru do not have access to safe and legal abortion facilities, nor do they have equal access to health care services, including those related to family planning. In sections 224 and 225 of the Criminal Code 1899, it is a criminal offence for a woman to procure her own abortion, or for a person to administer an abortion. It is proposed in reviewed Crimes Act to decriminalize abortion in certain circumstances, but not completely.

179. Nauru would need to abandon the practice of denying women access to a tubal ligation unless she has her husband's consent. When family planning options are discussed, vasectomy is not an option. Responsibility is always with women not on the men. So control is over the woman not the over the man.

Policies and Implementation

180. The livelihood of Nauruan women (and people generally) depends on access to healthy and nutritious food. A lot of challenges are faced with such access due to high costs of imported nutritional health food, and lack of localized production of nutritional health food

181. Women's access to reproductive health information and services was recurrent theme in the consultations. Government of Nauru in partnership with UNFPA plans to develop a reproductive health strategy (2014) and develop youth friendly services around sexual and reproductive health. According to the Public Health contraceptives are widely available free of charge from the hospital. District Public Health Workers and three Zone nurses also provide reproductive health information and referrals. The decision to work towards the health sector response to domestic violence is grounded in an understanding of the linkages between reproductive health and domestic violence. Women's reproductive health is also critical in determining the health of her child in the form of maternal stress while in utero and physical, psychological and spiritual stress when they experience it first-hand. Additional support could be provided in subsequent plans to support health promotion campaigns around women's and adolescent sexual and reproductive health, which further explore these linkages with domestic violence.

182. Parents and youths described a lack of social and economic opportunities for young people on the island. Consultations revealed that young people are dropping out of school and without a school certificate are unable to find regular employment. Parents are also concerned about teenage pregnancy rates, drug use, alcohol consumption and sexual activity.

183. The Youth Affairs Department is in the process of re-establishing the Youth Council comprising of 20 out of work young people who will be tasked with developing a Youth Action Plan for Nauru. There are youth groups already established by the various churches on the island and there are several youth centres

which exist on the island but do not offer regular activities or programmes. Australia already supports Epon Karamwen, an initiative that promotes the establishment of sporting clubs, sporting competitions and provides equipment for people of all ages in Nauru. Domestic violence related activities included in the current Plan provide entry points for addressing problems of youth empowerment.

184. It is likely that some problems facing youths in Nauru are related to the effects of domestic violence on children, which are holistic, profound and often irreversible. While examples from Nauru are not available, lessons learned indicate that as soon as children are old enough affect change over their exploitation, marginalization and abuse. Supporting services for survivors of violence (including young people) may assist in improving the lives of youths in Nauru. In the Country Plan there is scope to expand activities for women and girls with suppor from Epon Karamwen.

Article 13: Economic life, sport and culture

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and

(a) The right to family benefits

(b) The right to bank loans, mortgages and other forms of financial credit

(c) The right to participate in recreational activities, sports and aspects of cultural life.

185. The Government of Nauru has approved opening of the Bendigo Bank which has provided the much needed banking services for Nauru. Nauru is a matrilineal society thus granting women unlimited access to land and also leadership roles in customary activities etc. Women play a dominant role in sports having participated in numerous national, regional and international competitions.

Article 14: Rural Women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and take all appropriate measures to ensure, the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) 1 have access to adequate health care facilities, including information

186. There are no rural areas or deemed to be rural in Nauru. This means no rural women as all are community based in different districts. However, access to services and goods in some areas are more restricted than they are in other areas. These access issues include poor sanitation and access to safe drinking water.

Although the island rely heavily on expensive desalinated water and its delivery services, some restricted areas such as Location compound, Aiwo, Ijuw, Buada were forced to rely on rain catchment or water containers due to contaminated water tanks.

Article 15: Equality before the law and civil matters

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

Policies and Implementation

187. Currently, there is no Constitution guarantee of equality before the law. However, women do have an equal capacity in civil matters (i.e. they can sue) under the Civil Procedure Act 1972. Women also have an equal right to participate in courts and tribunals at all stages, an equal right to be executors or administrators of estates, as well as to choose their residence and domicile. Regardless of marital status, women have an equal right to conclude contracts and administer property. However, there is no legislation that nullifies all contracts and instruments that limit women's legal capacity.

Article 16:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) (The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

Situation: Personal and family law

188. Currently, legislation does not guarantee women's entry into marriage with full and free consent (section 23(1) (b) of the Births, Deaths and Marriages Act 1957 and section 22 of the Matrimonial Causes Act 1973). For a marriage to be solemnized, the person performing the marriage must receive a statement from both parties to the marriage that there is no impediment to the marriage, but need to be assured of full and free consent. Under the Matrimonial Causes Act 1973, a marriage is voidable (but not void) if either of the parties to the marriage did not freely consent to the marriage. Legislation allows marriage to be nullified if they took place under force, duress or undue influence.

Legal Context

189. Parties do not have equal rights in terms of applications for annulment. Section 22 (g) of the Matrimonial Causes Act 1973 makes a marriage voidable if the woman was at the time of the marriage, pregnant by a man other than the man she married. This offends against the general requirement of Article 16 for equality in marriage and family law, and needs to be amended.

190. There is no minimum age for marriage, but section 23(1) (e) of the Births, Deaths and Marriages Act 1957 and section 22 of the Matrimonial Causes Act 1973 provide that if either of the parties is a young person (female under 16 or make under 18), the person solemnising the marriage must be provided with a written consent of a parent of the young person. If a person is under 16 at the time of marriage, and also resident in Nauru, the marriage is voidable and they may institute proceedings for annulment. To comply with Article 16, it is necessary to amend this legislation and to provide for a minimum age for marriage. Although CEDAW does not define 'child', the Convention on the Rights of the Child (to which Nauru is also party) defines child as a person under 18. Arguably therefore, Nauru would be obliged to provide in legislation that a person under 18 cannot be married.

191. The Births, Deaths and Marriages Act 1957 (sections 22, 24, and 25) require registration of marriage in an official registry. Women have an equal right to choose a family name (Enrolment of Deed (Change of Name) Regulations 1949 (UK)). In law, women have an equal right to change their family name. In practice, this is not

the case. However, the practice is unlikely to be changed by any further legal regulation.

192. Both spouses are equal in ownership, acquisition, management, administration, enjoyment, and disposition of property. The Maintenance Act 1959 provides for maintenance only where a wife has been deserted by the husband. But section 30 and 31 of the Matrimonial Causes Act (interim maintenance orders) provide for the making of maintenance orders when a decree of divorce, nullity or judicial separation has been granted. The Maintenance Act 1959 does not apply to any separation, but only where the husband has left his wife (or child) without means of support, or where there is constructive desertion because the wife was compelled to leave under reasonable apprehension of danger to her person or under other circumstances that reasonably justify her withdrawal from the residence. Section 5(6) provides that a wife who would otherwise be entitled to maintenance is not so entitled if she has committed adultery or is of drunken habits. Section 6(5) provides that for the purpose of determining patrimony, a man is presumed not to be the father of a child if the mother is a common prostitute or was having sexual intercourse with another man. Once a person is granted a decree of divorce, nullity or judicial separation, the court may make such maintenance orders as it thinks reasonable (on a no fault basis).

193. There is no legislation enabling women to occupy the marital home when settlement is not possible or in situations of domestic violence. To require legislation in this regard arguably goes further than Article 16 requirements and may not be feasible in the context of Nauru, given extended family situations and ownership of family land. Section 9 of the Matrimonial Causes Act 1973 provides for no-fault divorce. However, no-fault divorce is harder to obtain (or takes longer) than a divorce in which the petitioner proves that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent or that the respondent has deserted the petitioner. Sections 10(1) (e) and 12 of the Matrimonial Causes Act 1973 requires the court to promote reconciliation. This arguably goes further than what Article 16 requires.

194. Article 16 requires legislation to also provide for an equal division of property after divorce, including recognition of women's unpaid contribution, future needs calculated, and future earning capacity calculated. In relation to maintenance orders made under the Matrimonial Causes Act 1973, section 31(1)(a) empowers the Court to make such orders as having regard to the respective fortunes, ability, and conduct of the parties. This is not a matter that is covered in Nauru's own family law legislation, but is covered under UK status of general application to Nauru. This matter would need to be examined and probably dealt with legislatively.

Policies and Implementation

195. Custody and access to children is not awarded on the basis of best interests of the child regardless of the relationship of the parents. The Guardianship Act 1975 allows the court to make such orders for custody and access as it thinks fit and does not prescribe any interests or factors that must be taken into account. The Guardianship Act 1975 may need to be amended, not only for the purpose of CEDAW compliance but also for compliance with the CRC. The Act should specify that the best interest of the child must be paramount. Section 16 of the Guardianship Act 1975, which applies only in limited circumstances of desertion, provides that if

a father has left his child without means of support, the court may make orders for support and custody, having regard primarily to the welfare of the child.

196. Nauru may need to consider giving greater legal protection to de facto family relationships in the context of making other necessary amendments to family law for the purpose of CEDAW compliance.

197. Women do not have an equal right to guardianship, wardship, trusteeship, and adoption. An unmarried father is not a guardian of his child (section 6 of the Guardianship of Children Act 1975). Section 8 of the Adoption of Children Act 1965 limits the adoption rights of men. Section 6 of the Maintenance Act 1959 provides for an order for establishing parentage.

198. Likewise, there is no legislation for contribution to pregnancy and childbirth costs by father to mother when unmarried. Nauru may consider making legislative provision to comply with Article 16 in this regard. With regards payment of child support for children born outside marriage, section 6(6) of the Maintenance Act 1959 provides that in limited circumstances, an ex-nuptial child may receive support. Under the Matrimonial Causes Act, when a marriage is dissolved, support may be payable in respect of a child of only 1 party to that marriage who has been accepted as one of the family by the other party.

199. General laws of succession and probate, including the 1938 regulations governing intestate estates, provide for equal rules of inheritance. There is no legislation requiring courts to apply CEDAW and CRC to domestic family law where relevant. This arguably goes further than strictly required by CEDAW itself, but Nauru would consider making such provision to fully comply with Article 16.

Conclusion

200. The Government of Nauru looks forward to the constructive discussion it will have with regards to this initial report.